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June 26, 2023

Lee J. Rohn
56 King Street, Third Floor
Christiansted, VI 00820

Re: Petro Industrial Solutions, LLC v. IPOS, et al.
Case No. 1:21-cv-312
Subpoena served upon Saintnals, LLC

Dear Attorney Rohn:

I write on behalf of Saintnals, LLC, which is in receipt of the subpoena served upon it on June 14, 2023. In accordance with Rule 45 of the Federal Rules of Civil Procedure, Saintnals objects to the entirety of this request because it has a return date after the close of discovery in the case. Rule 45 subpoenas are subject to the same discovery deadlines as apply to the parties in a case. *Galloway v. Islands Mech. Contractor, Inc.*, 2013 WL 163985, at *5-6 (D.V.I. Jan. 14, 2013); *Nicholas v. Wyndham Int'l, Inc.*, 2003 WL 23198847, at *2 (D.V.I. Oct. 1, 2003). Therefore, the subpoena is untimely.

Saintnals also objects to the individual document requests for the reasons set forth below:

Document Request No. 1: This seeks information that is in the ready possession of Vitol Virgin Islands Corp. (“VIVC”) as Saintnals is a contractor of VIVC and its invoices are submitted to VIVC for payment. Rule 45 is not a vehicle for obtaining pretrial production of documents that are also in the possession of a party. *In re Keebaugh*, 2019 WL 5802703, at *5 (E.D. Pa. Nov. 6, 2019); *Circle Grp., L.L.C. v. Se. Carpenters Reg'l Council*, 836 F. Supp. 2d 1327, 1351–52 (N.D. Ga. 2011); *Layman v. Junior Players Golf Acad., Inc.*, 314 F.R.D. 379, 385 (D.S.C. 2016).

Document Request No. 2: Documents evidencing the formation of Saintnals, LLC and its members, officers and directors are not relevant to the lawsuit for which the subpoena was issued. Notwithstanding that objection, Saintnals represents that no parties to the litigation filed by your client (including those parties added by the Second Amended Complaint) are members, officers or directors of Saintnals.

Document Request No. 3: Documents relating to “any relationship between



Lee J. Rohn
June 26, 2023
Page 2

Saintnals, LLC and and VITOL entities in the past five years are not relevant to the lawsuit for which the subpoena was issued.” Further, “VITOL entities” is undefined and Saintnals has no knowledge as to which entities might fall under that vague term. Notwithstanding that objection, Saintnals represents that it was formed in December 2021 and has never done business except at the St. Thomas and St. Croix propane facilities which are owned by VIVC. Saintnals’ contract to operate those facilities is solely with VIVC.

Document Request No. 4: This seeks information that is in the ready possession of VIVC as Saintnals is a contractor of VIVC. As described for Document Request No. 1, Rule 45 is not a vehicle for obtaining pretrial production of documents possessed by a party.

Document Request No. 5: This also seeks information that is in the ready possession of VIVC and thus plaintiff should have sought such documents from VIVC for the same reasons as described above.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Andrew C. Simpson

cc: Alex Kaplan
Carl A Beckstedt, III
Simone Francis